

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY,)
Plaintiff and)
Counterclaim-Defendant,)
v.)
VAN SCOY DIAMOND MINE OF) Case No. 05-108 (KAJ)
DELAWARE, INC., a Delaware corporation,)
KURT VAN SCOY, and DONNA VAN SCOY,)
Defendants and)
Counterclaim-Plaintiffs.)

NOTICE OF FILING UNDER SEAL

PLEASE TAKE NOTICE that the Motion of Defendants Van Scoy Diamond Mine of Delaware, Inc., Kurt Van Scoy and Donna Van Scoy for Summary Judgment, has been designated "confidential" and is being filed UNDER SEAL, pursuant to the Stipulated Protective Order entered on September 27, 2005. (D.I. 84)

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